

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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JAMES ANDREW GRIMMER,

Civil Action No.: 0:25-cv-  
01024-PJS-DTS

Plaintiff,

vs.

CAPITAL ONE BANK, N.A.; and  
GURSTEL LAW FIRM, P.C.

Defendants.

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**DECLARATION OF PATRICK D. NEWMAN**

I, Patrick D. Newman, being duly sworn on oath, states as follows:

1. I am an attorney and shareholder with the law firm of Bassford Remele, P.A.
2. Our firm represents Defendants Capital One Bank, N.A. and Gurstel Law Firm, P.C. in the above-captioned action.
3. As counsel for Defendants, I have personal knowledge of the facts stated herein. The events described herein occurred under my direction and supervision, and are therefore my responsibility.
4. On March 19, 2025, our firm removed the matter of *James Andrew Grimmer v. Capital One, N.A. and Gurstel Law Firm, P.C.*, file number 10-CV-25-290 (the “State Court Action”), from the district court of Carver County, State of Minnesota, to this Court on the basis of federal question jurisdiction.

5. In the removal papers to this Court I failed to note that Mr. Grimmer had case filed the State Court Action with the Carver County, Minnesota court. I instead stated that Mr. Grimmer had commenced the State Court Action by service, but had not case filed it. That was incorrect.

6. Also on March 19, 2025, we attempted to file the notice of removal filed in this Court with the State Court Action using that court's electronic filing system. A true and correct copy of the court's acknowledgement of that submission is attached hereto as **Exhibit A**.

7. Due to my error regarding the case-filing status of the State Court Action, we attempted to file the notice of removal with the Carver County, Minnesota court by opening a new court file.

8. Because the State Court Action was already case filed, the Carver County, Minnesota court rejected our attempted filing of the notice of removal on March 19, 2025, specifically noting the existence of the already case-filed State Court Action as the basis for the rejection. A true and correct copy of the rejection notice is attached hereto as **Exhibit B**.

9. I received the electronic confirmations contained in **Exhibit A** and **Exhibit B** on March 19, 2025.

10. Although I should have, I did not catch that our filing had been rejected. I became aware of the rejection on April 4, 2025, when Mr. Grimmer brought it to my attention by email.

11. On April 8, 2025, we filed an amended notice of removal with this Court, noting the erroneous statement concerning the case-filing of the State Court Action and the Carver County, Minnesota court's rejection of our attempted filing of the notice of removal with that court. [*See* Doc. No. 12 at 1-2.]

12. On April 8, 2025, we filed the amended notice of removal that we filed in this Court in the State Court Action, which was accepted.

13. On April 16, 2025, to ensure proper notice of this removal was filed in the State Court Action, we filed a separate notice of filing of removal in the State Court Action, along with the original notice of removal and amended notice of removal filed in this Court, in the State Court Action.

I declare under penalty of perjury that everything I have stated in this Declaration is true and correct to the best of my knowledge.

Signed on April 16, 2025, in the State of Minnesota, County of Hennepin.

/s/ Patrick D. Newman  
Patrick D. Newman, Esq.